

1 CAROLINE L. FOWLER, City Attorney (SBN 110313)
2 JOHN J. FRITSCH, Assistant City Attorney (SBN 172182)
3 City of Santa Rosa
4 100 Santa Rosa Avenue, Room 8
5 Santa Rosa, California 95404

6 Telephone: (707) 543-3040
7 Facsimile: (707) 543-3055

8 Attorneys for Defendants
9 CITY OF SANTA ROSA; RICH CELLI, an individual and Officer of the
10 SANTA ROSA POLICE DEPARTMENT; TRAVIS MENKE,
11 an individual and Officer of the SANTA ROSA POLICE DEPARTMENT;
12 and PATRICIA SEFFENS f/k/a PATRICIA MANN, an individual
13 and Officer of the SANTA ROSA POLICE DEPARTMENT

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

20 PATRICIA DESANTIS, et al.,

Case No. C 07-3386 JSW

21 Plaintiffs,

**MOTION IN LIMINE NO. 4:
EXCLUDE CUMULATIVE OPINIONS
OF RON MARTINELLI AND LOU
REITER**

22 v.

23 CITY OF SANTA ROSA, et al.,

24 Hon. Jeffrey S. White

25 Defendants.

26 /
27 Pretrial Conference: July 2, 2012
28 Time: 2:00 p.m.
Ctrm: 11, 19th Floor

Trial Date: September 4, 2012

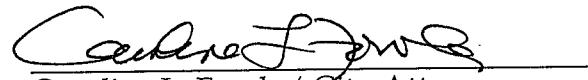
20
21 Defendants anticipate that plaintiffs in this consolidated action will seek to
22 introduce the cumulative opinions of police practices expert Ron Martinelli who is
23 retained by plaintiff Patricia DeSantis, individually and as successor in interest for
24 Richard DeSantis, and Dani DeSantis, and police practices expert Lou Reiter who is
25 retained by plaintiff Adrienne DeSantis. The interest of the two experts are virtually
26 indistinguishable, and their opinions are cumulative. Permitting both experts to testify
27 about police practices is impractical and a waste of time. Moreover, allowing a total of
28 three police practice experts to testify about the same subject matter when there are only

1 two sides to the case risks confusing the jury.

2 Defendants respectfully request this Court's order that only one police practices
3 expert shall testify on behalf of all plaintiffs or in the alternative advise defendants'
4 counsel and designate prior to trial which subject matters each expert will be limited to
5 testify to.

6 Dated: June 12, 2012

7 OFFICE OF THE CITY ATTORNEY

8 
9 Caroline L. Fowler, City Attorney
10 John J. Fritsch, Assistant City Attorney
11 Attorney for Defendants

12 ORDER

13 Satisfactory proof having been made, it is hereby ordered as follows:

14 1. One police practices expert shall testify on behalf of all plaintiffs. . [
15 Alternate language--Plaintiffs shall advise defendants counsel at least 5
16 days prior to trial as to what areas each expert intends to testify to in order
17 to avoid cumulative opinions on police practices issues.]

18 2. All parties' counsel shall caution, warn and instruct their clients and their
19 witnesses from attempting to introduce such evidence during the trial of
20 this matter, and from referring to the existence of such evidence during the
21 trial of this matter.

22 Dated: July ____ 2012

23 Hon. Jeffrey White, Judge
24 United States District Court

25

26

27

28